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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
)  
Amendment of Section 73.202(b) ) MM Docket No. 99-284  
Table of Allotments, ) RM-9697  
FM Broadcast Stations, )  
(Galveston and Missouri City, Texas) )

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**SUPPLEMENT TO REPLY COMMENTS**

KQQK License, Inc., ("KQQK"), licensee of Station KQQK(FM), Channel 293C, Galveston, Texas, by its attorneys, hereby supplements its Reply Comments filed on November 23, 1999, in the above-referenced rule making proceeding.

KQQK's Reply Comments contained the statements of John J. Mullaney and John P. Allen, both of which included facsimile signatures. Enclosed herewith are the original signed statements of Mr. Mullaney and Mr. Allen.

Respectfully submitted,

**KQQK LICENSE, INC.**

By:



Lawrence Roberts

Mary L. Plantamura

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Its Counsel

November 29, 1999

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**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE-RM-1:**

**REPLY COMMENTS - MM DOCKET 99-284  
RE-ALLOTMENT OF CHANNEL 293C  
FROM GALVESTON TO MISSOURI CITY, TEXAS**

**KQQK LICENSE, INC.  
RADIO STATION KQQK**

**NOVEMBER 23, 1999**

**ENGINEERING STATEMENT IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND  
THE FM TABLE OF ALLOTMENTS**

**ENGINEERING EXHIBIT EE-RM-1:**

**REPLY COMMENTS - MM DOCKET 99-284  
RE-ALLOTMENT OF CHANNEL 293C  
FROM GALVESTON TO MISSOURI CITY, TEXAS**

**KQQK LICENSE, INC.  
RADIO STATION KQQK**

**NARRATIVE STATEMENT:**

**I. GENERAL:**

This engineering statement has been prepared on behalf of KQQK License, Inc., which presently operates FM Station KQQK on Ch. 293C at Galveston, Texas. The purpose of this statement is to provide reply comments in support of a request that the FM Table of Allotments be amended to delete Ch. 293C from Galveston and to re-allot Ch. 293C to Missouri City, Texas and to modify the license of KQQK to specify that new community.

Inadvertently, the engineering statement originally prepared in support of the rule making by KQQK incorrectly characterized the proposals by Tichenor License Corporation (Tichenor) in MM Docket 99-26. Tichenor has proposed the deletion of 285A from Galveston (KLTO FM) and the re-allotment of 287A to Crystal Beach, TX while simultaneously proposing the deletion of 285A from Rosenberg (KOVA FM) and the re-allotment of 285C3 to Missouri City, TX. Both of these stations were also the subject of a previous rule making to amend the FM table of allotment (95-49) in which KOVA failed to obtain approval to change its allotment to Missouri City.

## II. ENGINEERING DISCUSSION:

### A. Technical Comments by Tichenor:

KQQK agrees with the technical analysis submitted by Louis R. du Treil, Sr., in which he determined that the specified transmitter site and facilities proposed (70 kW at 580 m HAAT) by KQQK provide a 70 dBu signal over all of its existing city of license, Galveston and over all of its proposed city of license, Missouri City. KQQK wishes to clarify that even its existing licensed facilities provide a 70 dBu signal over 100% of both communities as well (this was stated in the original engineering exhibit submitted by KQQK in the second paragraph of Section II.B).

In addition, Tichenor submits a statement by Dr. Gary Mikel Allen, PhD of Torrance, California, regarding the prospects for KQQK receiving FAA approval. Dr. Allen concludes that the KQQK proposal creates additional EMI interference that does not currently result if KQQK were to remain at its existing site. In his narrative statement, Dr. Allen fails to identify what power and height was used for the proposed KQQK facility. Upon reviewing appendix C of his analysis it was determined that Dr. Allen used 100 kW at a center of radiation of 1982' AMSL or 604 meters AMSL. This results in an HAAT of approximately 600 meters which is the maximum HAAT permitted a Class C FM facility.

The facilities analyzed by Dr. Allen exceed the facilities proposed by KQQK in its rule making request. Prior to its original filing, KQQK commissioned John P. Allen of Fernandina Beach,

Florida, to conduct an analysis of potential objections by the FAA. That analysis indicated that KQQK should limit its proposed FM facilities to an ERP of 75 kW at a center of radiation of 582 meters yielding an HAAT of 580 meters. KQQK's original rule making proposal indicated these limits were being selected in order to avoid causing any additional EMI to FAA facilities. For some unknown reason, Dr. Allen decided to ignore KQQK's specific proposal and simply analyze if maximum Class C facilities could qualify. Given that Dr. Allen used incorrect input data the conclusions he reached cannot be relied upon.

**B. Change of Site Not Absolutely Necessary:**

While it is the intention of KQQK to relocate to the site proposed in its rule making it is not absolutely necessary for KQQK to change sites in order to implement the requested change in city of license. The existing licensed facilities operated by KQQK provide city grade service to 100% of Missouri City. However, its existing licensed site is slightly short spaced and, thus, would present a problem in the allotment context. Therefore, the site contained in the rule making can be treated simply as a special reference point in the allotment context. Since no change in ERP or height is needed to serve Missouri City it is not necessary to seek the approval of the FAA. Thus, the EMI concerns submitted by Tichenor are moot with regard to KQQK's existing licensed facilities.

It should be understood that this same argument is not available for use by Tichenor in MM Docket 99-26. In that case it is necessary for Tichenor to operate


from a completely new site and, therefore, FAA approval must be sought. KQQK still believes that Tichenor will be unable to overcome objection by the FAA based upon potential EMI.

III. SUMMARY:

KQQK License, Inc., Licensee of Radio Station KQQK renews its requests that the FM Table of Allotments be amended to move FM Channel 293C at Galveston to Missouri City, Texas. KQQK believes that the technical objections submitted by Tichenor are fatally flawed. The Tichenor conclusion that KQQK will not receive FAA approval are incorrect because they are based upon an incorrect ERP & HAAT for the facilities proposed by KQQK. Had Tichenor used the facilities suggested by KQQK they would have seen that no additional EMI was being caused FAA facilities. In any event, it is not absolutely necessary for KQQK to change sites in order to implement the change in city of license.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

November 23, 1999.

  
John J. Mullaney

## Airspace Consultant

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P.O. Box 1008  
Fernandina Beach, FL 32035-1008

STATE OF FLORIDA )  
 )  
COUNTY OF NASSAU )

AFFIDAVIT OF JOHN P. ALLEN

I, John P. Allen, being first duly sworn, do hereby depose and state that I am an Airspace Consultant in private practice, with offices at 905 S. 8th Street, Fernandina Beach, Florida. My qualifications are a matter of record with the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).

I have been retained by KQQK License, License of Radio Station KQQK to respond to certain questions regarding potential electromagnetic interference regarding Radio Station KQQK(FM) proposed new facility. In June of 1999, my office was requested to determine the potential electromagnetic interference for Radio station KQQK(FM) proposed facility. It was determined by using the FAA's Airspace Analysis Model, Version 4.21, that a proposed effective radiated power of 75 kW would have no greater aeronautical effect to the navigable airspace than exists today.

Respectfully Submitted

John P. Allen  
President

Subscribed and sworn to before me, the undersigned Notary Public,  
this 23<sup>rd</sup> day of November, 1999, by the within-named John P.  
Allen, well known to me to be the person executing this document.

Mary C. Lowe

Notary Public

My Commission Expires:



Mary C. Lowe  
MY COMMISSION # CC880673 EXPIRES  
October 23, 2003  
BONDED THRU TROY FAIR INSURANCE, INC

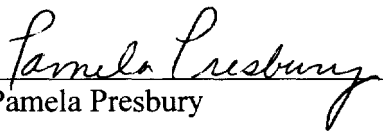


## **CERTIFICATE OF SERVICE**

I, Pamela Presbury, an executive assistant in the law offices of Davis Wright Tremaine LLP, do hereby certify that a true copy of the foregoing **"SUPPLEMENT TO REPLY COMMENTS"** was hand delivered, this 29<sup>th</sup> day of November, 1999, to the following:

John A. Karousos, Chief  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 3-A266  
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